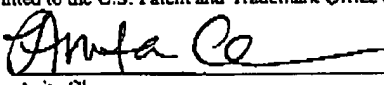


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October 19, 2004 Date	 Anita Chou

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Lee et al.	Examiner:	R. Chang
Application No.	10/039,942	Group Art Unit:	3729
Filing Date:	January 3, 2002	Docket No.	47406-12500
Title:	ETCHED HOLE-FILL STAND-OFF		

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## RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This response is being submitted in reply to the communication of September 30, 2004 which includes an election requirement. This response is being timely filed within the shortened 30-day statutory period for response expiring on October 30, 2004 and accordingly no fee is due.

Claims 1-11 are currently pending in the above-identified application and, pending the outcome of the traverse of the election requirement, are still under consideration.

## A. The Election Requirement

The species election requirement states that the following patentably distinct species of the claimed invention are contained in the application:

Species 1: Page 4, lines 27-28 and Page 5, line 1.

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Species 2: Page 5, lines 1-3.

B. Response to Election Requirement

Responsive to the Office Action mailed September 30, 2004, kindly enter the following provisional election: Applicants provisionally elect Species 1, with traverse. Claims that are readable upon provisionally elected species or embodiments of Species 1 include Claims 1-11.

The Election Requirement is traversed in the following grounds:

First, the requirement for election by the Examiner is respectfully traversed because the Examiner has not stated the reasons relied on for holding that the inventions as claimed are distinct. MPEP § 816 provides that "[t]he particular reasons relied on by the examiner for holding that the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given." Nowhere in the communication has the Examiner stated the reasons relied on for holding that Species 1 and Species 2 are patentably distinct.

Second, the requirement for election by the Examiner is respectfully traversed because of the relationship between the species or embodiments of Species 1 and Species 2. A search of the claims read upon provisionally elected species or embodiments of Species 1, drawn to parts bonded by pins, will necessarily encompass a search relating to species or embodiments of Species 2, drawn to parts bonded temporarily or permanently. At least generic claims 1 and 11 are readable upon all disclosed species or embodiments in Species 1 and Species 2.

Third, the requirement for election by the Examiner is respectfully traversed because the Examiner has failed to show that there would exist a "serious burden" on the Examiner if all of the claims were examined together in one application. Since the claims read upon the species or embodiment of Species 1 are drawn to parts bonded by pins, the necessary search of these claims, to be conducted by the Examiner, particularly generic claims 1 and 11 which read upon all of the species or embodiments in provisionally

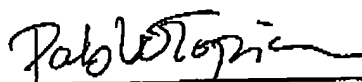
elected Species 1, may turn up relevant art, should any such relevant art exist, that would largely overlap with separate searches that would have to be conducted relating to the species or embodiments of Species 2.

Therefore, Applicants traverse the election requirement on the grounds that no reasons for the election requirement have been provided, that a sufficient burden to require election does not exist, and that the inventions are sufficiently related to preclude election, notwithstanding the existence of patentable distinctness. Such relatedness is disclosed in the application on pages 4-6 of the present specification.

Furthermore, the Examiner's request will impose an unnecessary burden, not only on the Applicant but also the public, as it would require multiple patents to cover the technology of the claims of the invention. Therefore, Applicant respectfully requests that the election requirement be withdrawn and that all claims be examined together in the pending application.

Applicant has complied with all requirements made in the above referenced communication. Accordingly, examination of this application on the merits is respectfully requested. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicants' undersigned agent.

Respectfully submitted,



Pablo Tapia  
Registration No. 52,275

Date: October 19, 2004

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